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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TASHAMI SIMS,

Plaintiff,

v.

ARAMARK INC, *et al.*,

Defendants.

Case No. 2:19-cv-00016-RFB-CWH

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Clark County Detention Center (CCDC), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an application to proceed *in forma pauperis*. (ECF No. 1, 1-1).

Plaintiff's application to proceed *in forma pauperis* is incomplete. Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has submitted an incomplete application, has not submitted a properly executed financial certificate, and has not submitted an inmate account statement. (See ECF No. 1). Therefore, the *in forma pauperis* application is denied without prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure the deficiencies

1 of his application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee
2 for this action. If Plaintiff chooses to file a new application to proceed *in forma pauperis*
3 he must file a fully complete application to proceed *in forma pauperis* and must include
4 both an inmate account statement for the past six months and a properly executed
5 financial certificate.

6 **II. CONCLUSION**

7 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
8 *in forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

9 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
10 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
11 document entitled information and instructions for filing an *in forma pauperis* application.

12 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
13 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on
14 the correct form with complete properly executed financial attachments in compliance
15 with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes
16 the \$350 filing fee and the \$50 administrative fee).

17 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
18 dismissal of this action may result.

19 IT IS FURTHER ORDERED that failure to comply with this order will result in a
20 recommendation that the case be dismissed without prejudice.

21 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint
22 (ECF No. 1-1), but shall not file it at this time.

23
24 DATED: January 10, 2019

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26 _____
27 UNITED STATES MAGISTRATE JUDGE
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